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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,327	06/27/2002	Ashley Thomas Beighton	1085-039--PWH	5837
21034	7590	03/24/2004	EXAMINER	
IPSOLON LLP 805 SW BROADWAY, #2740 PORTLAND, OR 97205			CHAPMAN, JEANETTE E	
			ART UNIT	PAPER NUMBER

3635

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/031,327

Applicant(s)

BEIGHTON, ASHLEY THOMAS

Examiner

Chapman E Jeanette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 40-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-48, 51-55 and 58-66 is/are rejected.
- 7) ☒ Claim(s) 49-50, and 56-57 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 40-42, 51-55, 58-59, 62, 66 are rejected under 35 U.S.C. 102(b) as being anticipated by Sing (4766708). Sing discloses a building structure comprising:

- a support module 22/24/26;
- a plurality of enclosed room modules 42 being independently attachable to and cantilevered from the support module; the room modules are horizontally spaced apart from one another; See figure 1 and column 3, lines 15-35;
- the room module is formed from panels 62/64 linked without a supporting frame; also see figure 3;
- the room modules include internal partitions to define one or more room in each module: see column 3, lines 1-35 and column 4 lines 1-35;
- Each room module includes at least one window or door aperture;

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- The room module comprises a chassis 52 defining a volume; the chassis 52 having an attachment means shown in figures 4-6 to cooperate with the spaced apart attachment means on the chassis 44 of the support module 22; the panels 62/64 are provided between the members of the chassis to provide floor, walls and ceiling; see column 4, lines 1-35; the chassis of the room mole is constructed from upper and lower members rigidly connected by upright members by not braced by diagonal members; see figure 8;
- Circulation passages having access to each module; see figure 3 and annotations on patent copy;
- A further support module is attachable on top of another module to provide a further story of the building structure or attachable to another modle in a side by side relationship. See figure 1 and column 3, lines 1-35

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 43-48, 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over the above base reference in view of Clark (4854094).

Sing lacks the cladding around the building structure and supported by the foundation.

Clark shows cladding 70 attached around the building structure and supported by the foundation 25. The cladding is attached to and supported by the roof 33 and the room module. See figures 2 and 7 and accompanying text; specifically column 3 lines 1-20 and column 7, lines 25-50.

Anything can be removed or disconnected or de-mounted as one so desires. Further, Sing discloses removable wall panels.

Clark further discloses spaced room modules which may be supported by box 69/support module. The support module 69 supports a roof structure which covers the support module and each room module; the roof structure is spaced apart from the adjoining room module. See figure 2. Clark also shows a foundation structure underlying the support module 43/69. The foundation is spaced apart from the room modules and has a main portion 43 upon which the support module sits. The foundation is constructed of concrete and each stabilizing structure 43 underlies one or more room modules and is spaced apart from the adjoining room module.

Clark also discloses the building structure with services as recited in claim 60. See column 5, lines 20-30.

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One of ordinary skill in the art would have appreciated wall panels with aperture or without in order to accommodate the room module to provide for its intended purpose and function

It would have been obvious to one of ordinary skill in the art to modify Sing to include the roof, the foundation, the service and the cladding supported by the foundation/room modules in order to support, fully furnish and to protect the building structure in times of rough inclement weather.

*ALLOWABLE SUBJECT MATTER*

Claims 49, 50, 56-57 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 12/3/03 have been fully considered but they are not persuasive. Applicant is making a claim to an article or product not the method. The base or primary reference to Sing discloses that the room modules are removable or cantilevered from the support module; specifically how this is done by the disclosed elevator has been considered a matter of choice. The emphasis exist on the general method that the room modules are removable; no significance has been emphasized in the manner in which the room modules are removed from the support module. One of ordinary skill in the art would have removed the same in any manner deemed suitable to ensure safe and efficient removal of the room module.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 703-308-1310. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jec

  
Jeanette Chapman  
Primary Examiner



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